

DOCKET NO.: **13-0006
Application No.: 09/915,425
Office Action Dated: December 10, 2007

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

Claims 1-29 are pending in the application. Claims 1-29 stand rejected. Claims 30-37 have been withdrawn.

The examiner is respectfully urged to reconsider and withdraw the rejections in view of the following remarks and to allow all of the claims. The Examiner is invited to call applicant's attorney directly at 206.903.2467 to discuss any issues that may occur to the Examiner after reviewing the instant response.

Claim Rejections – 35 USC § 103

Claims 1-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Larson et al (hereinafter Larson, US 5,825,854) in view of Prust (US 6,714,968 B1).

Claim 1 is rejected in part because the examiner contends that Larson teaches:

A receiving portal configured to receive from a sender an item including a first field which contains a user identification (Fig 21 Ref 54; Column 3 line 63-Column 4 line 4), a second field which contains a file handle (Column 5, lines 35-38) and a third field which contains a command specification (Column 4, lines 25-35)

Action p. 3. Applicant respectfully disagrees. The cited portion of Larson does not teach receiving *an item* that includes: (1) a *field* which contains a user identification; (2) a *field* which contains a file handle; and (3) a *field* which contains a command specification. Rather, Larson discloses a mechanism whereby a user can enter information into a telephone keypad after a series of separate prompts. Consequently there is no reception of an item that contains the three claimed fields.

The claimed invention provide the user with the ability to enter information into an email item and allows the fields in that email message to be processed without requiring the user to wait for part of the information to be processed before being allowed to enter further information. At best, Larson teaches away from such a system inasmuch as Larson teaches that information be entered serially in response to prompts.

Additionally, the examiner maintains that Larson teaches:

A rights verifier configured to determine whether or not the sender has privilege to access the stored file corresponding to said file handle (Column 3, line 64-Column 4 line 4)

Action, p. 4. Applicants respectfully disagree. Larson teaches a password system that allows the user to access his or her email messages.

Once the correct password has been entered, the computer provides an audio dialog menu to the user along with instructions on how to select each audio dialog from the menu in block 56. For example, the audio message may state "To review a file press 1, to review your E-mail press 2, . . . ". Each dialog may have a summary to describe the contents of the dialog. For example, the audio message may state "Your E-mail has 5 messages, to review your E-mail message press 2".

Larson, Col 4, ll. 5-14. Once the password is verified, the user must then select a file or email to access on the system. Larson does not teach "determining whether the sender has privilege to access the store file corresponding to the file handle." In other words the claim, in contrast to Larson, requires a specific check for a particular file handle to determine whether a sender has privilege rights that are check on a file handle by file handle basis as is claimed.

For at least the foregoing reasons, applicant respectfully submits that Larson does not teach the elements of claim 1. Moreover, Prust does not cure the deficiencies of Larson and similarly fails to teach the above-cited elements. Consequently, applicant respectfully submits that claim 1 patentably defines over Larson in view of Prust.

Applicant respectfully object to the examiner's citation of a "wireless Blackberry device" in discussing the motivation to modify Larson in view of Prust. Applicant requests that the examiner cite to references that were available at the time the invention was made. By merely referring to a "Blackberry device" Applicants are required to speculate regarding the reference and the time such a reference was available as prior art to rebut the examiner's position. A "Blackberry device" was nowhere cited as a prior art reference in making the rejection. As such, applicants submit that the motivation is improper.

Applicant respectfully submits that the examiner has made an impermissible hindsight rejection under MPEP § 2145 and requests that the rejection be withdrawn. It is impermissible to use an applicant's invention as a "road map" to piece together the teachings

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of the prior art in order to render the claims obvious. In page 4 of the present office action, the examiner writes: "One would be motivated to (modify Larson in view of Prust) in order to access stored files from a portable device, such as a wireless Blackberry device, which is capable of sending emails from remote locations."

Additionally, such a teaching, suggestion or motivation is absent from both Larson and Prust, and no other reference is cited to give basis for the examiner's position. Therefore, applicant respectfully submits that the examiner has made an impermissible hindsight rejection and respectfully requests that the examiner withdraw the rejection.

Applicants respectfully submit that claims 1-29 are in condition for allowance.

CONCLUSION

In view of the foregoing, the examiner is respectfully urged to reconsider the application and to withdraw the rejections.

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